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Attorney Docket No. 9359-2CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Elliason

Serial No.: 10/760,943

Filed: January 20, 2004

For: REMOTE KEY TURNING TOOL AND METHOD FOR USING THE SAME

Confirmation No.: 1267

Group Art Unit: 3676

Date: June 22, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of January 20, 2004 rather than January 21, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of January 20, 2004 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:47 p.m. on January 20, 2004; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of January 21, 2004 instead of the Express Mail date of January 20, 2004.

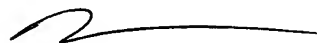
This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of January 20, 2004 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file

In re: John Elliason
Serial No.: 10/760,943
Filed: January 20, 2004
Page 2

this petition is due to error on the part of the USPTO, it is applicants' belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

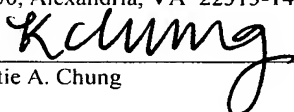


David D. Beatty
Attorney For Applicants
Registration No. 38,071

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 22, 2004.


Katie A. Chung



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9359-2CT

DATE: January 20, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☐ a patent application
☒ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) . Application of prior application no.:10/301,216; filed November 21, 2002, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

John Elliason – Raleigh, North Carolina

Entitled: **REMOTE KEY TURNING TOOL AND METHOD FOR USING THE SAME**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 16 pages of Specification (including 19 claims)
3. ☒ 7 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*) **Filed in parent application.**
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☒ Other: **Response to Office Action Issued in Parent Application.**

The fee has been calculated as shown below:

| | Column 1 No. Filed | Column 2 No. Extra | Small Entity Rate Fee | Large Entity Rate Fee |
|---|-----------------------|-----------------------|--------------------------|--------------------------|
| BASIC FEE | | | \$385.00 | \$ 770.00 |
| TOTAL CLAIMS | 19 - 20 = | 0 | x 09 = \$ | x 18 = \$ |
| INDEP CLAIMS | 7 - 3 = | 4 | x 43 = \$ 172.00 | x 86 = \$ |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 145 = \$ | + 290 = \$ |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> | | | Total \$ 557.00 | Total \$ |

- ☒ A check in the amount of \$ 557.00 to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

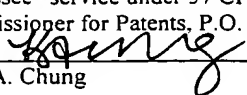

David D. Beatty
Registration No. 38,071

CERTIFICATE OF EXPRESS MAILING

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Katie A. Chung



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RICHMOND VA 23211-0140

DOB/kac

9359-2CT

1/20/04

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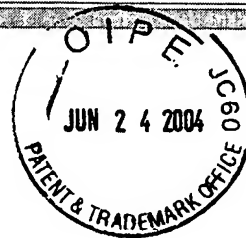
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9359-2CT

January 20, 2004

01-30-04 A09:22387 N U.S. PTO
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

10/760943



Sir: Kindly acknowledge receipt of the accompanying by placing your
receiving date stamp hereon and mailing:

Utility Patent Application Transmittal Letter and Fee Transmittal Form (in
duplicate); Specification (16 pages – 19 claims); Drawings (7 sheets – Figures 1-7);
Response to Office Action Issued in Parent Application (7 sheets); Declaration and
Power of Attorney (from parent); Information Disclosure Statement; Form PTO-
1449; Check for \$557.00; In re: John Eliason; For: REMOTE KEY TURNING
TOOL AND METHOD FOR USING THE SAME

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

Express Mail Label No.: EV 381448656 US



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE

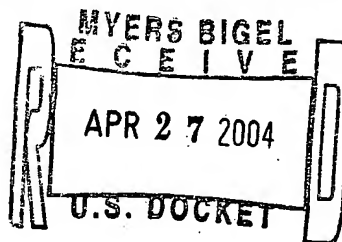
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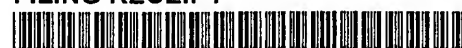
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| 10/760,943 | 01/21/2004 | 3676 | 557 | 9359-2CT | 7 | 19 | 7 |

20792

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CONFIRMATION NO. 1267

FILING RECEIPT



OC000000012436972

Date Mailed: 04/23/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John Elliason, Raleigh, NC;

Domestic Priority data as claimed by applicant

This application is a CON of 10/301,216 11/21/2002 PAT 6,701,760

Foreign Applications

If Required, Foreign Filing License Granted: 04/23/2004

Projected Publication Date: 08/05/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Remote key turning tool and method for using the same

Preliminary Class

04-26-04 A10:14 IN

070

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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